

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION

Steven Kidd,

Plaintiff,

v.

Case No. 1:04cv728

Colerain Township Police
Department,

Judge Michael H. Watson

Defendant.

OPINION AND ORDER

Before the Court are the following:

1. The February 3, 2006 Motion of Defendant Joseph Redmond for Summary Judgment (Doc. 45). This motion is unopposed.
2. The February 3, 2006 Motion of Defendant Colerain Township Police Department for Summary Judgment (Doc. 46). This motion is unopposed.


Summary judgment is appropriate "if the pleadings, depositions, answers to interrogatories, and admissions on file, together with the affidavits, if any, show that there is no genuine issue as to any material fact and that the moving party is entitled to a judgment as a matter of law." Fed.R.Civ.P. 56(C). The moving party has the burden of showing an absence of evidence to support the non-moving party's case. *Celotex Corp. v. Catrett*, 477 U.S. 317, 325 (1986). Once the moving party has met its burden of production, the non-moving party cannot rest on his pleadings, but must present significant probative evidence in support of his complaint to defeat the motion for summary judgment. *Anderson v. Liberty Lobby, Inc.*, 477 U.S. 242, 248-49 (1986). The

mere existence of a scintilla of evidence to support the non-moving party's position will be insufficient; the evidence must be sufficient for a jury to reasonably find in favor of the non-moving party. *Id.* at 252.

As previously stated, Plaintiff Steven Kidd did not oppose the Motions for Summary Judgment filed by Defendants Joseph Redmond and Colerain Township Police Department. Therefore, Plaintiff failed to present significant probative evidence in support of his complaint to defeat Defendants Joseph Redmond and Colerain Township Police Department Motions for Summary Judgment.

Accordingly, the February 3, 2006 Motion of Defendant Joseph Redmond for Summary Judgment (Doc. 45) is hereby **GRANTED** and the February 3, 2006 Motion of Defendant Colerain Township Police Department for Summary Judgment (Doc. 46) is hereby **GRANTED**.

IT IS SO ORDERED.



Michael H. Watson, Judge
United States District Court